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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,

Plaintiff,

v.

SEAN TIMOTHY O'NEILL,

Defendant.

**MEMORANDUM DECISION AND  
ORDER DENYING MOTION TO  
RECONSIDER**

Case No. 4:18-cr-00014-DN

District Judge David Nuffer

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**BACKGROUND**

Defendant O'Neill filed a motion to reduce sentence on September 26, 2022.<sup>1</sup> The United States filed a response opposing the motion on October 31, 2022.<sup>2</sup> And a United States Probation Officer submitted a report.<sup>3</sup>

An order was entered denying O'Neill's motion.<sup>4</sup> Defendant now brings this motion asking for a reconsideration of that order.<sup>5</sup> As explained below, this motion is hereby DENIED.

**DISCUSSION**

"Grounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error

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<sup>1</sup> First Step Act Motion to Reduce Sentence Under 18 U.S.C. § 3582(c)(1)(A), [docket no. 117](#), filed Sep. 26, 2022.

<sup>2</sup> United States' Opposition to Defendant's Motion for Reduction of Sentence Under 18 U.S.C. § 3582(c)(1)(A), [docket no. 120](#), filed Oct. 31, 2022.

<sup>3</sup> First Step Act Relief Eligibility Report, docket no. 123, filed under seal Dec. 14, 2022.

<sup>4</sup> Memorandum Decision and Order Denying Defendant's First Step Act Motion to Reduce Sentence Under 18 U.S.C. § 3582(c)(1)(A), [docket no. 125](#), filed Dec. 28, 2022.

<sup>5</sup> Motion for Reconsideration ("Reconsideration"), [docket no. 126](#), filed Jan. 27, 2023.

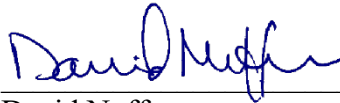
or prevent manifest injustice.”<sup>6</sup> O’Neill’s motion briefly implores the he be released for his parents’ sake so that he may care for their needs.<sup>7</sup> O’Neill fails to provide any additional information required of a change in law, any new evidence that was previously unavailable, or a showing of clear error. “Absent extraordinary circumstances, not present here, the basis for the second motion must not have been available at the time the first motion was filed.”<sup>8</sup> Because O’Neill has not presented new evidence, the motion must be denied.

**ORDER**

IT IS HEREBY ORDERED that O’Neill’s motion for reconsideration<sup>9</sup> is DENIED.

Signed April 4, 2023.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer  
United States District Judge

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<sup>6</sup> *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000).

<sup>7</sup> Motion for Reconsideration 1.

<sup>8</sup> *Servants of Paraclete*, 204 F.3d at 1012.

<sup>9</sup> Motion for Reconsideration, [docket no. 126](#), filed Jan. 27, 2023.